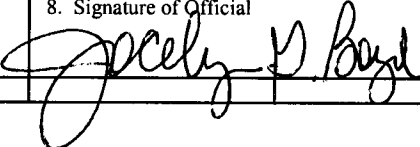


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Agency Name Public Service Commission	1. Chapter Number 103	2. Date of Filing April 13, 2009
3. Regulation Number 26 S. C. Code Ann. Regs. 103-102(5) 26 S. C. Code Ann. Regs. 103-102(31) 26 S.C. Code Ann. Regs. 103-102(32)	4. Subject of Regulation Charter Bus, Equipped to Carry, and Passenger	
5. Statutory Authority S.C. Code Ann. Section 58-3-140		
6. Type of Filing <input type="checkbox"/> NOTICE OF GENERAL PUBLIC INTEREST <input type="checkbox"/> NOTICE OF DRAFTING <input checked="" type="checkbox"/> PROPOSED REGULATION <input type="checkbox"/> EMERGENCY REGULATION <input type="checkbox"/> FINAL REGULATION FOR GENERAL ASSEMBLY REVIEW <input type="checkbox"/> RESUBMISSION OF WITHDRAWN REGULATION FOR GENERAL ASSEMBLY REVIEW <input type="checkbox"/> FINAL REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW		
5. For Additional Information, Contact Jocelyn G. Boyd		6. Telephone Number 896-5114
7. Typed Name of Official Jocelyn G. Boyd	8. Signature of Official 	9. Date April 13, 2009

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Document No. _____
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
CHAPTER 103
Statutory Authority: 1976 Code Section 58-3-140 (Supp. 2008)

103-102(5) – Charter Bus.
103-102(31) – Equipped to Carry.
103-102(32) – Passenger.

Preamble:

The Public Service Commission of South Carolina (Commission) proposes to amend its regulation regarding the definition of a charter bus. Additionally, it seeks to add definitions to its regulations for the terms “equipped to carry” and “passenger.” The Notice of Drafting regarding these regulations was published on January 23, 2009, in the State Register.

Section-by-Section Discussion

103-102(5) – Charter Bus. This regulation is being amended to state that a “charter bus” is a passenger carrier equipped to carry sixteen (16) or more passengers.

103-102(31) – Equipped to Carry. This regulation is added to state, in part, that equipped to carry means the number of passengers a vehicle is capable of carrying based on the number of seatbelts in that vehicle. The new regulation provides an alternate method to calculate the number of passengers that a vehicle is equipped to carry in the absence of seatbelts. The phrase “equipped to carry” is currently not defined in the Commission’s regulations.

103-102(32) – Passenger. This regulation is being added to define “passenger” as every person carried or riding in a motor carrier, including the driver.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to the Public Service Commission, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2009-16-T. To be considered, comments must be received no later than 4:45 p.m. on June 3, 2009. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Public Service Commission on July 8, 2009, at 2:45 p.m. in the Commission’s Hearing Room, 101 Executive Center Drive, Columbia, South Carolina 29210.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION:

26 S.C. Code Ann. Regs. 103-102(5) – Charter Bus.

26 S.C. Code Ann. Regs. 103-102(31) – Equipped to Carry.
26 S.C. Code Ann. Regs. 103-102(32) – Passenger.

Purpose: The purpose of amending Regulation 103-102(5) regarding the definition of a charter bus is to make the language in this regulation consistent with the language defining a limousine in Regulation 103-102(15) by adding the phrase “equipped to carry” to the charter bus definition. Additionally, this proposed regulation deletes language that states a limousine shall not be considered to be a charter bus. The current definition of a limousine is clear. Additionally, the phrase “equipped to carry” is used in the Commission’s regulations; however it is not currently defined in the regulations. Thus, the proposed definition will provide jurisdictional utilities and the public with a definition of this term. Further, the word “passenger” is also currently used in the Commission’s regulations; however, it is not defined. The proposed definition will cure this problem.

Legal Authority: S.C. Code Ann. Section 58-3-140 (Supp. 2008)

Plan for Implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The amendment of Regulation 103-102(5) provides a regulation that is consistent with the other descriptions of motor vehicle carriers in the Commission’s definitions and deletes unnecessary language in the current definition. The addition of the terms “equipped to carry” and “passenger” clarifies the meaning of these terms as they are used in other motor vehicle carrier Commission regulations.

DETERMINATION OF COSTS AND BENEFITS:

Although costs related to the proposed changes to the Commission’s regulations are minimal, the benefits include the creation of regulations that provide uniform standards; delete unnecessary language; and guidance for the execution of the Commission’s regulations.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

The regulation will have no detrimental effect on the environment or public health if the regulation is not implemented.

STATEMENT OF RATIONALE:

The purpose of proposing Regulations 103-102(5), 103-102(31), and 103-102(32) is to create uniformity and delete ambiguity in the Commission’s regulations. The proposed regulations delete unnecessary language and provide guidance to the public when implementing and executing the Commission’s regulations. There was no scientific or technical basis relied upon in the development of this regulation.

~~Indicates Matter Stricken~~

Indicates New Matter

Text:

103-102(5). Charter Bus. ~~“Charter Bus” means a motor vehicle carrying 16 or more passengers. However, a limousine shall not be considered to be a charter bus.~~ “Charter Bus” is a passenger carrier equipped to carry sixteen (16) or more passengers.

103-102(31). Equipped to Carry. “Equipped to carry” means the number of passengers a vehicle is capable of carrying based on the number of seatbelts in that vehicle. If seatbelts do not exist in or cannot be located by ORS Inspectors, ORS may alternatively calculate the number of passengers a vehicle is capable of carrying by utilizing the method set forth in the Federal Transportation Regulations to determine “seating capacity” pursuant to 49 C.F.R. §387.29. Efforts to circumvent regulation or proper licensing by removing or altering the number of seatbelts in a vehicle and/or otherwise altering the seating configuration will not absolve the carrier from failing to obtain the proper certificate from the commission.

103-102(32). Passenger. “Passenger” means every person carried or riding in a motor carrier, including the driver.